

**WALWORTH TOWN BOARD – REGULAR MEETING
6 MARCH 2014**

Presiding Supervisor Marini called the regularly scheduled Town Board Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:30 PM with the Pledge to the Flag.

<u>PRESENT:</u>	Patricia Marini	Supervisor
	Larry Ruth	Councilman
	Vaughn Pembroke	Councilman
	Suzi Hawkins-Mance	Councilwoman
	Judy Markowski	Councilwoman
	Michael Frederes	Highway Superintendent
	Susie Jacobs	Town Clerk

OTHERS PRESENT: Rob Burns, Sewer Superintendent; Brendan Bystrak, Labella Associates, P.C. Engineer for the Town; Library Board of Trustee members (3); Newspaper Reporter, and five (5) attendees.

MINUTES:
Motion by Councilman Ruth that the Minutes of February 20, 2014 Regularl Meeting be approved as submitted by the Town Clerk.
Seconded by Councilwoman Hawkins-Mance.

Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Abstain
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Motion carried.

PUBLIC PARTICIPATION:
No one present offered any comments.

COMMITTEE REPORTS:
Council members reported on their respective committees with the following Town Board actions:

TOWN CLERK - RESOLUTION 64-14 AUTHORIZE TO DECLARE THE RICOH AFICIO SPC232SF PRINTER SURPLUS IN THE TOWN CLERKS OFFICE:
Councilman Ruth offered the following Resolution 64-14 and moved its adoption.
Seconded by Councilwoman Hawkins-Mance to wit:

BE IT RESOLVED, that the RICOH Aficio SPC232sf Printer be declared surplus in the Town Clerks Office. .

Adopted this 6th day of March 2014 at the meeting of the Town Board

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Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Resolution carried.

**TOWN CLERK - RESOLUTION 63-14 AUTHORIZE PUBLIC ASSEMBLY
PERMIT – GREYSTONE GOLF CLUB:**

Councilman Ruth offered the following Resolution 63-14 and moved its adoption.
Seconded by Councilwoman Markowski to wit:

BE IT RESOLVED, that the Town Clerk issue Greystone Golf Club a Public Assembly Permit for 2014.

Adopted this 6th day of March 2014 at the meeting of the Town Board.

No complaints have been filed with the Town Clerk’s Office and Insurance has been submitted. Inspection is pending. Discussion ensued.

Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Resolution carried.

**LIBRARY – RESOLUTION 66-14 MEMO REGARDING LIBRARY PROGRAMS
IN THE TOWN MEETING ROOM:**

The following was submitted:

Councilwoman Markowski offered the following Resolution 66-14 and moved its adoption.

Seconded by Councilman Ruth to wit:

BE IT RESOLVED, that a copy of the Memo to dated March 4, 2014 be accepted and filed as submitted:

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To: Town Board, Library Trustees & Librarian
From: Patti Marini, Supervisor
Date: March 4, 2014
Re: Meeting regarding Library Programs

A meeting was held with Wendi Coleman, Jeff Davignon, Judy Markowski, Norm Druschel and me regarding the safety concerns that brought to my attention during two library programs.
At that meeting we discussed the various differences of observations of the programs held in the meeting room and that the safety of the participants is of the utmost priority.

A question of why Norm did not stop the programs was also raised if he perceived a safety issue at that time. Norm indicated that he didn't want to be the "bad guy" and stop the programs that were almost complete. The decision of whether to stop an activity rests solely with the Fire Marshall and Norm agreed that in the future, he would stop an activity if he verified an issue. If a similar concern occurs in the future, that Norm will contact appropriate library personnel and share any concerns. It is our understanding that the Library Trustees will support the determinations of the Fire Marshall if a program needs to be interrupted or stopped. The Library will be discussing the possibility of pre-registration for the programs.
Norm will conduct a safety inspection of the area that will be utilized to verify that there is adequate safety access for the program participants. Norm also requested that the "person in charge of a program" contact him prior to the program so that Norm will know who to contact if any concerns arise. It was also suggested that at the start of programs that an "in the event of an emergency announcement" be made by Library Staff.

Parking concerns will need to be looked in the future: suggestion by the Library that signage be placed in the upper parking area directing participants to the other parking areas to the east and south of the building. The Town should look at the feasibility of providing overflow parking area (gravel parking area?) to the west of the upper parking lot for use when the weather permits. The Library does have a building use calendar that they refer to when scheduling programs.
The Town and the Library will continue to work together to ensure the safety of participants and also for solutions if issues arise in the future.

Adopted this 6th day of March 2014 at the meeting of the Town Board.

Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Resolution carried.

RESOLUTION 60-14 AUTHORIZING TOWN SUPERVISOR SIGN THE AGREEMENT WITH INTEGRATED SYSTEMS FOR PROFESSIONAL SERVICES – CONTRACT PLAN “D”:

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Councilwoman Hawkins-Mance offered the following Resolution 60-14 and moved its adoption.

Seconded by Councilman Ruth to wit:

BE IT RESOLVED, to authorize Town Supervisor to sign the Professional Services Agreement with Integrated Systems for contract plan "D" from A-1620.44 \$7,500.00 as submitted:



Professional Services Agreement

The following is a listing of all Professional Services Agreements that Integrated Systems is offering for **Engineering Services and Software Development**. It includes Network and System troubleshooting, programming, end user technical support, cabling and travel. The hours may be used for any combination of services. The larger the time block purchased, the greater the savings per hour. Contract rates cover work performed by any Integrated Systems Engineer at one unit per hour, except for services requiring a Senior Engineer whose hours are billed at 1.3 units per hour; those services include; Server Implementations, Network Design and Engineering, and at client request.

Professional Service Agreement Terms:

Payment due before any project/support is started.

Purchase of Professional Service Agreements are non refundable.

Clients with **PSA** receive priority telephone response time over non-PSA clients.

(average response time: less than 1 hour)

Clients with **PSA** receive priority on-site response time for troubleshooting & technical support over non-PSA clients.

Clients with **PSA** have the option to have updates delivered via modem; mail; or on-site delivery.

Travel time is billed as straight time

Weekend/Overtime hours will be billed at 2 X regular rate

Modem/Phone charges are the responsibility of the client and are always billable.

Engineer's time is billable when:

- Working on additions/updates to programs / integration/ research
- Travel time between office and customer's location
- Time involved in gathering information for projects

Statements of time spent on this contract are available at the Client's Request

LIMITATION OF WARRANTY LIABILITY: The obligation of Integrated Systems under the warranty is limited to the repair or replacement, at Integrated Systems option, of a non-conforming product, part or component thereof, except consumable accessories, within a reasonable time after notification. The clients remedies are limited to Integrated Systems obligations stated herein, subject to the "EXCLUSIVE REMEDY" set forth in the paragraph below. This warranty extends only to the client. **THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS.** Integrated Systems has not made and makes no guarantee or warranty, including implied warranty or merchantability or fitness, that the system, equipment, or services supplied will avert, avoid or prevent the loss of data or information or the consequences therefrom, which the system or service is designed to provide. It is mutually understood and agreed that in executing this Agreement, client is not relying on any advice or advertisement of Integrated Systems. Client agrees that any representation, promise, condition, inducement or warranty, express or implied, including those of merchantability and fitness, not included in writing in this Agreement shall not be binding upon any "party." The client assumes all risk for loss or damage to the client equipment and data files except as specified herein.

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EXCLUSIVE REMEDY: Because of the nature of the services rendered and the system as a whole, it is impractical and extremely difficult to fix the actual damages, if any, which may result from failure on the part of Integrated Systems to perform its responsibilities under this contract. Client does not desire this contract to provide full liability for loss, damage or injury due directly or indirectly to occurrences, or consequences therefrom, which the service or system is designed to deter or avert. In the event Integrated Systems should be found liable for loss, damage or injury due to a failure of the equipment or services provided under this Agreement or the equipment in any respect, its liability shall be limited to \$250.00, as the agreed upon liquidated damages and not as a penalty. Such liquidated damages is the exclusive remedy for any failure of services or equipment, and the provisions of this paragraph shall apply if loss, damage or injury, irrespective of cause or origin, results directly or indirectly to a person or property from the performance or nonperformance of any obligation of Integrated Systems from negligence, active or otherwise, of Integrated Systems, its agents or employees. It is intended and expressly agreed that the purpose of the preceding provisions are to set an upper limit to the amount recoverable by the client and to fix liability of Integrated Systems at a specific sum of \$250.00. If client desires additional liability coverage, it shall be his responsibility to secure it from an insurance carrier or other agency of his choice, at his own expense. The client shall bring no suit against Integrated Systems more than one (1) year after the accrual of the cause of action therefore.

Contract	Hours	Rate/Hour	Total Cost	Savings
None		\$ 155.00		None
A	10	\$ 95.00	\$ 950.00	\$ 600.00
B	25	\$ 90.00	\$ 2250.00	\$ 1625.00
C	50	\$ 85.00	\$ 4250.00	\$ 3500.00
D	100+	\$ 75.00	\$ 7500.00+	\$ 8000.00+

Contract Selected: _____

I have read the above terms and conditions of the time contracts. I understand and agree to the above conditions and terms of the contract:

Company: _____
Address: _____
Signature: _____
Date: _____ PO#: _____

Integrated Systems Co-signed: _____

Rates Effective 1/15/08

Integrated Systems

Adopted this 6th day of March 2014 at the meeting of the Town Board

Discussion ensued.

Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Resolution carried.

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RESOLUTION 61-14 AUTHORIZING TOWN SUPERVISOR SIGN THE QUOTE AGREEMENT (2555) FOR THE PURCHASE FOUR (4) COMPUTERS:

Councilwoman Hawkins-Mance offered the following Resolution 61-14 and moved its adoption.

Seconded by Councilman Ruth to wit:

BE IT RESOLVED, to authorize Town Supervisor to sign the Quote Agreement #2555 for the purchase of four (4) Lenovo ThinkCentre Desktop Workstation Setup from A-1620.21 \$2,996.00 as submitted. Procurement Form on file.

Discussion ensued.

Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Resolution carried.

RESOLUTION 62-14 ADOPT TOWN OF WALWORTH WORKPLACE VIOLENCE PREVENTION POLICY:

The following was submitted:

Councilman Ruth offered the following Resolution 62-14 and moved its adoption. Seconded by Councilman Pembroke to wit:

WHEREAS, the Walworth Town Board adopted Resolution 101-13 entitled “ADOPT TOWN OF WALWORTH WORKPLACE VIOLENCE PREVENTION POLICY”; and

WHEREAS, the Policy was reviewed by the Department of Labor Public Employees Safety and Health Department, that recommended modification of the Workplace Violence Prevention Policy and Incident Reporting;

NOW THEREFORE BE IT RESOLVED, that the Walworth Town Board, rescind resolution 101-13 and adopt Resolution 64-14 as follows:

Town of Walworth

Workplace Violence Prevention Policy & Incident Reporting

The Town of Walworth is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on the Town of Walworth’s property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of the NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention

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Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Other tools that were utilized during this process included establishing a committee made up of management and Authorized Employee Representatives who will have an ongoing role of participating in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Walworth has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Walworth will provide counseling services or referrals for employees.

All Town of Walworth personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

DESIGNATED CONTACT PERSON:

Name: Patricia Marini

Title: Supervisor

Department: Supervisor’s Office

Phone: (315)986-1400

Location: 3600 Lorraine Drive, Walworth, NY 14568

AND IT BE FURTHER RESOLVED, that the Walworth Town Board directs the Clerk of the Board to give a copy of this policy to all employees and boards of the Town of Walworth and post a copy at all Town buildings.

Adopted this 6th day of March 2014 at the meeting of the Town Board.

Discussion ensued.

Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Resolution carried.

**RESOLUTION 65-14 AUTHORIZE THE EXPENDITURE AND AUTO
RENEWAL OF THE LEO J. ROTH CORPORATION MAINTENANCE
AGREEMENT FOR 2014-2015 FROM A1620.42 FOR AN AMOUNT NOT TO
EXCEED \$3,471.00:**

Councilwoman Hawkins-Mance offered the following Resolution 65-14 and moved its adoption.

Seconded by Councilman Pembroke to wit:

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BE IT RESOLVED, the expenditure to Leo J. Roth Corporation Maintenance Agreement for the 2014-2015 year from A1620.42 for an amount not to exceed \$3,471.00.

Adopted this 6th day of March 2014 at the meeting of the Town Board

Roll call vote:	Supervisor Marini	Aye
	Councilman Ruth	Aye
	Councilman Pembroke	Aye
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Aye

Resolution carried.

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.
Seconded by Councilwoman Markowski and unanimously carried.
Time: 7:45 PM.

Respectfully Submitted,

Susie C. Jacobs, CMC, RMC
Town Clerk